

Meeting Participants:

CAPT Bill Diehl- USCG COTP Houston Galveston
CDR Todd Gatlin-USCG Houston Galv
Craig Carrol-EPA
Steve Mason-EPA
Jim Indest-TCEQ
Michelle Matty-ACOE
CDR Amy Cocanour-USCG DRM D8
Bill Goetzee -USCG RRT VI Coordinator
CPO Matt Tilimon-USCG O/S Rep Hou/Galv

CAPT John Hardin-USCG Chief of Response D8
Christopher Ruhl- EPA OSC
Ragan Broyles-EPA
Charlie Henry-NOAA SSC
Matt Allen-TCEQ
Ron Brinkley-Fish & Wildlife
CDR Virginia Kammer-Gulf Strike Team
Matt Weakly -USCG D8 DRAT

- CAPT Bill Diehl-COTP HOU/GALVESTON

Opening comments: The incident is in a Managed Emergency Stage. Captain spoke of location & size of the Gypsum stacks at the AGRIFOS facility. The size of the stacks, coupled with the amount of rainfall in recent weeks has caused the capacity to be far exceeded. There is currently only 12 inches of freeboard left in the Gypsum stack for additional water level to rise. Each inch of rain is equivalent to about 10.6 million gallons of additional water, or about 10 additional inches of water level in the Gypsum stacks. Since about 16 August, in an attempt to relieve the pressure on the containment berm/wall, the facility had apparently been pumping contaminated water directly into Cotton Bayou which leads to the Houston Ship Channel within a distance of about one half mile. Although a Permit/Waiver exemption to TCEQ was filed, no NRC report was made for the actual acid release caused by the continuous intentional pumping of (Contaminated water with Phosphoric acid, ammonia, heavy metals, having a pH of approximately 2.0) to relieve the pressure on the containment wall. A worst case release if the berm wall totally failed and all contents of stack water were released would be approximately 100 million gallons of contaminated water. Captain Diehl queried the RP for what Contingency Plan they have, and the determination was essentially, that they have none. Additionally it was stated that Exxon Mobile Corp is leasing the property to AGRIFOS, and is expected to regain control of the property in Feb 2008. They have also been made aware of mishandling issues, and potential RCRA liability issues associated with being a joint RP. Captain Diehl had mentioned that AGRIFOS will be subject to large fines, and that although criminal actions are being considered, they are not being pushed at this time for fear of the RP not cooperating with further emergency measures. An Engineer was brought in to walk the berm, and determine structural integrity. It was determined that it will not fail in its current state. The current production process of DAP fertilizer using the Gypsum stacks is reported to use 800,000 gallons of water per day normally. A conservative estimate of the amount of contaminated water that must be removed to allow a safety margin (taking into account rainfall projections) is IVO 35 million gallons. (25 million for the South Gypsum stack, and 10 million gallons IVO stack number four for the total of 35 million gallons).

The Three main probable scenarios discussed were 1) Due to excessive rainfall, the excess contaminated water in the stack must continue to be released to avoid containment failure. 2) The containment wall fails causing the release of 25 million gallons of contaminated water. 3) Excessive storm water causes the topping of the entire containment, and stacks in all locations causing massive erosion of the stack and essentially a sort of mud slide effect of contaminated low pH Gypsum into the surrounding area.

- CAPT Hardin (Chief of Response D8) queried who has the lead on legal issues which need to be performed in parallel with the long term solution?
- CAPT Diehl replied that CGIS was brought down for discussion of criminal negligence issues on Thursday Sept 06, 2007.
- Mr. Chris Ruhl (EPA OSC) mentioned issues involving Clean Water Act, illegal previous discharges by the facility, and that EPA is formulating a plan of action involving regulatory actions, and violations etc.
- Mr. Craig Carrol (EPA) mentioned that a deep injection well was being promulgated as a means of removing the contaminated water, but the most likely ETA for construction and completion of the well would be Mid-October 2007. That does not include obtaining required discharge permits (which would have to be expedited to make that a feasible option!).
- Mr. Chris Ruhl (EPA) mentioned that it could take up to a year to obtain the required permits.
- Captain Diehl, EPA members in attendance and Charlie Henry (NOAA SSC) all in agreement that AGRIFOS should be advised to pursue alternate Contingency plans.
- Mr. Chris Ruhl (EPA) mentioned that the Discharge Exemption that AGRIFOS is currently working under no longer applies. The facility has obviously way exceeded the allowable limits of release. EXXON Mobile was also mentioned as responsible (RP) for the property under RCRA regulations, as previous and current owner of the property. They are essentially leasing it for use by AGRIFOS. Therefore EPA's regulatory authority will engage both AGRIFOS and EXXON MOBILE for legal actions.
- Mr. Chris Ruhl (EPA) mentioned that EPA's plan of action would be to investigate, and potentially expedite 1) underground injection well options. 2) Treatment plant issues. The U/C team would identify best options and implement as soon as possible once endorsed by all concerned parties (ALCON).
- Mr. Jim Indest (TCEQ) provided amplifying information of injections wells, Geo Studies etc.
- CPO Tilimon (O/S USCG Rep) Mentioned that during initial calculations of pumping efforts, why the 3 million gallons a day did not attain the 30 million desired reduction since pumping has been taking place since about 17 AUG 2007. The answer was that the process is in a continuous loop where water from the North Gypsum Stack is being pumped to the

South Gypsum stack. That coupled with additional rainfall, and the amount of Gypsum that the facility maintains, caused them to always be exceeding capacity.

- CAPT Diehl mentioned that hypothetically, two barges per day, or 17 trucks per day of removal would still involve heavy engagement of issues involving treatment, containment, and disposal of the contaminated water/Gypsum.
- Charlie Henry (NOAA SSC) mentioned that from a numbers and modeling perspective, that the solution that has the least negative impact is being sought for implementation.
- CPO Matt Tilimon (O/S USCG Rep) mentioned that a Wall Maintenance Group has been established to address issues involving some seeping areas around the containment wall/berm.
- CAPT Diehl mentioned that we are performing a very robust response in this incident. He also advised AGRIFOS to reinforce/fix the containment wall. If a tropical Storm heads toward Houston, 72-Hrs out, we will be faced with new scenario and options to address.
- 1300L: Steve Mason (EPA) as well as other EPA personnel attending the conference call had to depart for another meeting.
- CDR Virginia Kammer (Gulf Strike Team) mentioned that they will engage EPA to determine who has the lead on specific issues.
- CAPT Diehl mentioned that the posture toward AGRIFOS, at least for the time being, should be sort of a soft stick approach, to keep them from walking from the table, and not taking appropriate actions, if legal actions are too rigid initially. Options for storage, disposal, and treatment are the primary issues to address.
- Charlie Henry (NOAA SSC) mentioned that a significant rainfall will obviously push us back again on the timeline for minimizing the contaminated water at the facility.
- CAPT Hardin (D8 Chief of Response) mentioned that the appropriate legal tools should be used at the appropriate time in parallel with the response to bring about the right course of action from the RP.
- Jim Indest (TCEQ) mentioned that he has been digging into all the Hazwaste files on record to obtain history of previous incidents and/or violations history of the AGRIFOS facility.
- Capt Diehl mentioned that Gypsum stack experts are being brought to the Unified Command for further discussions. He also mentioned that although an initial media package was sent to Public Affairs, it is not obtaining much media attention, if any, as the incident it is not of a nature that lends itself to dramatic photo opportunities of public interest.
- Captain Diehl mentioned that in terms of public boating safety, there has been a standing Security Zone in place since 9/11 (advent of MTSA regs) that prevent fishing boats etc. to traverse the area of the Houston Ship Channel and in the vicinity of the refineries and petrochemical industry on the Houston Ship Channel (HSC).
- Charlie Henry (NOAA SSC) mentioned that continuous monitoring is being performed of the water pH in the vicinity of the release and pumping (Cotton Bayou/HSC)
- Jim Indest (TCEQ) mentioned that the low pH Phosphoric Acid sinks in water and stratifies below the level that would typically be at the level of a water intake. Therefore, intakes IVO the entry point of the low pH water to the HSC are not a concern and readings are indicating that the pH is reaching ambient ranges from approx. 6.2 to 6.8 by the time it reaches the HSC.
- Meeting adjourned at approximately 1330L Central Time.